

Remarks

In the Office Action mailed 2/23/04, the Examiner required election of one of following groups: Group I) Claims 1-8; Group II) Claims 9-18, 23-29 and 34-38 as applied to detection of HIP1 mRNA; Group III) Claims 9-15, 19-26 and 30-38 as applied to detecting HIP1 protein; Group IV) Claims 39-42 and 44 as applied to detecting HIP1 protein; Group V) Claims 39 and 43-44 as applied to detecting HIP1 mRNA; Group VI) Claims 45-49 and 51-56 as applied to detecting HIP1 mRNA; Group VII) Claims 45-48, 50, and 53-56 as applied to detecting HIP1 protein; Group VIII) Claims 57-67; Group IX) Claims 68-69 and 74; Group X) Claims 70-73; Group XI) Claims 75-79; and Group XII) Claims 80-83. The applicants hereby elect Group II without traverse. Claims 1-8; 19-22; 30-33; and 39-83 have been canceled in response to the restriction requirement (while reserving the right to prosecute the original (or similar) claims in the future).

Applicants note that all amendments and cancellations of Claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),¹ and without waiving the right to prosecute the amended Claims (or similar Claims) in the future. Claim 16 has been amended to correct a typographical error. The amendment introduces no new matter.

The Applicants remind the Examiner that the linking claims must be examined with the invention elected, and should any linking claim be allowed, the restriction requirement must be withdrawn and any claim(s) (including canceled claims) directed to the nonelected invention(s), previously withdrawn from consideration, which depends from or includes all the limitations of the allowable linking claim must be rejoined and fully examined for patentability. (MPEP 809).

¹ 65 Fed. Reg. 54603 (Sept. 8, 2000).

CONCLUSION

If a telephone interview would aid in the prosecution of this application, the Examiner is encouraged to call the undersigned collect at (618) 218-6900.

Dated: _____

8/7/04

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